# UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF WISCONSIN

In the Matter of the Search of

AT&T Motorola cell phone, unknown Model, Model Serial Number L646SA26F5, Device 1, and an iPhone which does not have a Model or Serial Number marked on the exterior of the phone, Device 2, and which is presently uncharged, so that the number of the telephone cannot be identified. Device 1 and Device 2 are currently located at FBI Milwaukee Evidence Control located at 330 E. Kilbourn Avenue, Milwaukee, WI 53202.

Case Number: 12-1013 M (NJ)

APPLICATION & AFFIDAVIT FOR SEARCH WARRANT

I, Robert Rice, a federal law enforcement officer, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property:

AT&T Motorola cell phone, unknown Model, Model Serial Number L646SA26F5, Device 1, and an iPhone which does not have a Model or Serial Number marked on the exterior of the phone, Device 2, and which is presently uncharged, so that the number of the telephone cannot be identified. Device 1 and Device 2 are currently located at FBI Milwaukee Evidence Control located at 330 E. Kilbourn Avenue, Milwaukee, WI 53202.

located in the Eastern District of Wisconsin there is now concealed: **Please see attached affidavit, which is hereby incorporated by reference.**

The basis for the search warrant under Fed. R. Crim. P. 41(c) is which is (check one or more):

✓ evidence of a crime;
✓contraband, fruits of a crime, or other items illegally possessed;
❑ property designed for use, intended for use, or used in committing a crime;
❑ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Title 18, United States Code, Section 2113; Title 21, United States Code, Section 841; Title 18, United States Code, Section 4; Title 18, United States Code, Section 3.

The application is based on these facts:

✓ Continued on the attached sheet, which is incorporated by reference.
❑ Delayed notice of ____ days (give exact ending date if more than 30 days:_________) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

[signature]
Applicant's signature
Name and Title: Robert Rice, Special Agent FBI

Sworn to before me, and signed in my presence.

Date Dec. 14, 2012

City and state: Milwaukee, Wisconsin

[signature]
Judge's signature
THE HONORABLE NANCY JOSEPH
United States Magistrate Judge
Name & Title of Judicial Officer

AFFIDAVIT

I, Robert Rice, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of an application under Rule 41 of the Federal Rules of Criminal Procedure for a search warrant authorizing the examination of property—an electronic device—which is currently in law enforcement possession, and the extraction from that property of electronically stored information described in Attachment A.

2. I am a Special Agent with the Federal Bureau of Investigation, and have been since February 22, 2004. I was assigned to the Boston Division of the FBI from June of 2004 until November of 2011. While assigned to the Boston Division, I worked on the Violent Crimes Task Force for approximately five years where I participated in kidnapping, extortion, murder for hire, bank and armored car robbery investigations. I was also assigned to the Boston Division North Shore Gang Task for approximately three years where I participated in gang and drug trafficking investigations. I am currently assigned to the Milwaukee Division Violent Crime and Criminal Enterprise Squad where I have participated in organized crime, gang, bank and armored car robbery investigations. This affidavit is intended to show only that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

IDENTIFICATION OF THE DEVICES TO BE EXAMINED

3. The property to be searched are an AT&T Motorola cell phone, unknown Model, Model Serial Number L646SA26F5 (Device 1 hereinafter) and an iPhone which does not have a

Model or Serial Number marked on the exterior of the phone and which is presently uncharged, so that the number of the telephone cannot be identified, (Device 2 hereinafter)." The Devices are currently located at FBI Milwaukee Evidence Control as they were turned over by Milwaukee County Sheriff's Office, (MCSO herein) on 11/29/2012. Both devices were seized by MCSO from Ted F. Robertson Jr. in connection to an arrest for Possession with Intent to Distribute Marijuana. At the time they were seized, the MCSO did not know of any potential connection between their arrest of Ted F. Robertson Jr. for Possession with Intent to Distribute and the June 28, 2012 armed bank robbery of the federally insured Pewaukee PNC Bank which your affiant is presently investigating.

4. Detective Don Desotell of MCSO advised your affiant that TED F. ROBERTSON JR., DOB 09/06/1989, was arrested at General Mitchell International Airport, (GMIA herein), for possession with intent to distribute marijuana on June 29, 2012. Detective Desotell seized Device 1 and Device 2 from ROBERTSON subsequent to his arrest. Detective Desotell entered Device 1 and Device 2 into evidence at the MCSO and released them to your affiant on November 29, 2012.

5. The applied-for warrant would authorize the forensic examination of Device 1 and Device 2 for the purpose of identifying electronically stored data particularly described in Attachment B for evidence of the commission of federal offenses including armed bank robbery (18 U.S.C. § 2113) and possession with intent to distribute narcotics (21 U.S.C. § 841).

PROBABLE CAUSE

6. Your affiant believes there is probable cause to search Device 1 and Device 2 for evidence related to bank robbery - 18 U.S.C. § 2113; drug trafficking offenses - 21 U.S.C. § 841, misprision of a felony - 18 U.S.C. § 4 and accessory after a fact -18 U.S.C. § 3.

7. On June 28, 2012, two unidentified subjects (UNSUB 1and UNSUB 2 herein) entered and robbed the Pewaukee PNC Bank, a federally insured bank, hereinafter "the Bank." UNSUB 1 brandished a handgun during the robbery. UNSUB 1 and UNSUB 2 entered the bank at approximately 9:12 am and ordered the occupants of the bank to get down on the floor. Witnesses at the bank described UNSUB 1 as appearing to be a black female, approximately 5'4" tall, with a thin build. Witnesses also stated that UNSUB 1 and UNSUB 2 wore pants, long sleeve hooded sweatshirts, gloves, and had their faces covered in order to conceal their identities. UNSUB 1 brandished a dark colored semi-automatic handgun during the robbery. UNSUB 2 was described as appearing to be a black male, a few inches taller than UNSUB 1, with a thin build. UNSUB 2 carried a dark colored duffel bag with a red stripe. UNSUB 1 and UNSUB 2 jumped over the teller counter and ordered the victim teller to provide them with the money in her drawer. After emptying the victim teller's drawer, the UNSUB 1 and UNSUB 2 ordered the victim teller to take them to the vault where they took the cash as well as a box of dimes and placed them into the duffel bag.

8. A witness at the bank noticed that the UNSUB 1 and UNSUB 2 fled the bank in a green truck with yellow flames on the sides and bearing Wisconsin temporary registration H32-081, (hereinafter "the Tahoe"). A 1997 green Chevrolet Tahoe with gold flames down the sides, Wisconsin temporary registration H32-08H was recovered near the vicinity of the Bank at W243

N4333 Swan Road, Pewaukee, WI within 15 minutes of the robbery. Surveillance pictures were taken by the Bank's security system. The bank has informed your affiant that the loss was approximately $19,408.00 in United States currency.

9. The PNC Bank is located in a large, mall parking lot at the intersection of Capitol Drive and Highway 164, Pewaukee, WI. A review of the parking lot surveillance video showed the Tahoe driving through the parking lot at approximately 8:29 am. In addition, two witnesses observed the Chevy Tahoe parked in the mall parking lot prior to the bank robbery.

10. A review of the Wisconsin Department of Motor Vehicles (DMV) Database revealed BRENTTON S. SMITH, date of birth (DOB) 03/25/1992, as the registered owner of the Tahoe. During a June 29, 2012 interview, SMITH advised your affiant that the Tahoe was stolen sometime during the early afternoon of June 27, 2012 from a gas station located near the intersection of Hopkins Street and Hadley Street, Milwaukee, WI. SMITH further advised that he was in the process of filling the Tahoe's tires with air when an unidentified individual got into his car and drove away with the Tahoe. On August 17, 2012, SMITH was re-interviewed regarding the use of the Tahoe in the robbery of the Bank. SMITH maintained his story that the Tahoe was stolen while he was filling the tires with air at a gas station near 17th Street and Locust Street, Milwaukee, WI. SMITH also states that he went to the Milwaukee Police Department to report the Tahoe stolen but was told that he needed to present the title of the Tahoe in order to report it stolen. According to SMITH, by the time he had obtained a copy of the Tahoe's title, he had already been contacted by the FBI regarding the recovery of his Tahoe.

11. On June 29, 2012, at the Milwaukee County airport Ted Robertson was arrested at GMIA the day after the bank robbery for Possession with Intent to Distribute Marijuana. He was

accompanied by Brandon Moore and Sheleeia A. Williams. As part of MCSO's investigation, he was found to have 27 corner cut bags of marijuana, weighing approximately 24.8 grams including the packaging. Also, as part of the investigation, 2 telephones were recovered by the MSCO – Device 1 and Device 2.

12. On July 26, 2012, a citizen who claimed to have information regarding the Pewaukee PNC Bank Robbery (Citizen 1 herein) advised your affiant that Shaina Last Name Unknown (LNU) robbed the Bank with her unidentified male cousin and an 18-19 year old unidentified female subject. According to Citizen 1, Shaina LNU flew to Miami, Florida after the robbery to purchase marijuana in an effort to launder the proceeds from the robbery. Citizen 1 directed your affiant to 9129 W. Herbert Court, Milwaukee, WI, which is the residence of Shaina LNU. Citizen 1 further advised your affiant that Shaina LNU's brother is currently incarcerated for an unidentified crime. A public records search conducted by your affiant of 9129 W. Herbert Court, Milwaukee, WI revealed that two of the residents at that address were Shaina S. Dupar, DOB 09/03/1990 and Derrick C. Dupar, Social Security Account Number (SSN) xxx-xx-1477. A public records search revealed that Derrick C. Dupar, DOB 01/18/1992, SSN xxx-xx-1477 is currently incarcerated on armed robbery and homicide charges filed by the Milwaukee Police Department (MPD), case numbers 2012ML010061 and 2012ML025597 respectively.

13. On November 16, 2012, a citizen who claimed to have information regarding the Pewaukee PNC Bank Robbery (Citizen 2 herein) advised your affiant that three individuals were involved in the robbery. She identified them as SHAINA DUPAR; a female whom she only knows by the name "Diamond" First Name Unknown (FNU) LNU; and a male she only knows by the name of "TED" (TED LNU herein). According to Citizen 2, Shaina DUPAR and TED

LNU are cousins. Citizen 2 told your affiant that Shaina DUPAR dressed up like a man during the robbery, DIAMOND carried the handgun, and TED LNU borrowed a green sport utility vehicle that had gold trim on it from an unidentified friend, whom was the registered owner of the vehicle. According to Citizen 2, TED LNU paid his friend for the use of the vehicle and his friend did not know that the vehicle would be left behind during the bank robbery.

14. On December 5, 2012, a citizen (Citizen 3 hereinafter) was interviewed by your affiant at the Milwaukee County Correctional Facility – South (CCF-S). Citizen 3 is currently incarcerated with BRENTTON SMITH at CCF-S. According to Citizen 3, BRENTTON told Citizen 3 that SHANNON LNU and her cousin TED LNU robbed the bank with an unidentified female subject (UNSUB). SHANNON LNU and TED LNU contacted BRENTTON telephonically prior to the bank robbery and asked to borrow BRENTTON's Tahoe. Brentton stated to Citizen 3 that they told BRENTTON to report the Tahoe stolen as they were going to use it in a bank robbery. Brentton stated to Citizen 3 that SHANNON LNU and TED LNU committed the bank robbery to raise bail money for SHANNON LNU's brother FNU LNU aka "COCO" who was incarcerated for a robbery and homicide in Milwaukee, WI. Brentton stated to Citizen 3 that TED LNU and SHANNON LNU gave BRENTTON approximately $1,500.00 as BRENTTON did not know that his truck was going to be left behind during the robbery. Brentton stated to Citizen 3 that when he was questioned by law enforcement, BRENTTON told police that his Tahoe was stolen while he was pumping gas at 16th Street and Hadley Street, Milwaukee, WI. Your affiant showed citizen 3 a Wisconsin DMV photograph of TED F. ROBERTSON JR., DOB 09/06/1989. Citizen 3 identified ROBERTSON as TED LNU.

15. Based on my training and experience handling bank and armored car robbery investigations, I know that the subjects often communicate with each other before, during, and

after the robbery in order to coordinate operational details including the robbery, the getaway, and if necessary, the use of a switch vehicle. Inasmuch as the Tahoe was seen in the parking lot of the mall at approximately 8:29 am, the robbery occurred at approximately 9:12 am, and the Tahoe was recovered by law enforcement approximately fifteen minutes after the robbery, it is believed that the subjects who committed the robbery used their cell phones to coordinate their plan. There is probable cause to believe that Device 1 and 2 will help further identify the plan for the robbery, the participants of the robbery and how the proceeds of the robbery were used.

16. Your affiant believes that these two devices may provide information pertinent to the investigation including but not limited to phone numbers of co-conspirators, text messages coordinating the robbery, and photographs of the robbery proceeds as well as information regarding marijuana distribution. In addition, a search of the devices will yield phone numbers which will be compared against cell tower information from the time of the robbery that has already been obtained by your affiant pursuant to an earlier court order. Inasmuch as ROBERTSON was in possession of these devices the day after the bank robbery and the devices do not appear to be new, it is believed that ROBERTSON was in possession of these devices at the time of the robbery as well as when he obtained the marijuana found on his person on June 29, 2012.

17. The Devices are currently in the lawful possession of the FBI. The devices came into the FBI's possession in the following way: Detective Desotell, MCSO seized the Devices on June 29, 2012 subsequent to the arrest of TED F. ROBERTSON JR. Detective Desotell released the Devices to the FBI on June 29, 2012.

18. The Devices are currently in storage at FBI evidence control located at 330 East Kilbourn Avenue, Milwaukee, WI, 53202.

ATTACHMENT A

Items to be Searched

Information or correspondence pertaining to bank robbery - 18 U.S.C. § 2113; drug trafficking offenses - 21 USC§ 841, misprision of a felony - 18 USC § 4 and accessory after a fact -18 USC§ 3; wherever it may be stored or found in: AT&T Motorola cell phone, Model Serial Number L646SA26F5 (Device 1) and iPhone (Device 2) taken incident to arrest of Ted Robertson on June 29, 2012. The foregoing information or correspondence may be found in, but not be limited to:

a. Any contacts and/or address books
b. Any stored voice messages
c. Any stored text messages including incoming, outgoing, drafts, and deleted messages remaining in trash
d. Any previously called telephone numbers in call history list(s)
e. Any previously received calls in call history list(s)
f. Any photographs and/or other images including incoming, outgoing, drafts, and deleted photographs/images remaining in trash
g. Any video files including incoming, outgoing, drafts, and deleted files remaining in trash
h. Any GPS information including locations saved and locations traveled
i. Any e-mails including incoming, outgoing, drafts, and deleted files remaining in trash